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25-CV-106

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Richard Crosby, Pro Se,
Plaintiff,

v.

Commissioner of Social Security,
Defendant.

Civil No. [Insert Case Number]

**COMPLAINT FOR VIOLATION OF THE PRIVACY ACT, FREEDOM OF
INFORMATION ACT, ADMINISTRATIVE PROCEDURE ACT, AND FIFTH
AMENDMENT DUE PROCESS AND EQUAL PROTECTION**

Jurisdiction and Venue

This Court has jurisdiction pursuant to:

- **5 U.S.C. § 552a(g)(1)(B) (Privacy Act of 1974)** – Federal agencies must provide individuals access to their own records.
- **5 U.S.C. § 552 (Freedom of Information Act – FOIA)** – Federal agencies must disclose internal decision-making records unless exempt.
- **5 U.S.C. § 706 (Administrative Procedure Act)** – The Court may compel an agency to perform a duty it unlawfully withholds.
- **28 U.S.C. § 1331 (Federal Question Jurisdiction)** – The claims arise under the U.S. Constitution and federal statutes.
- **28 U.S.C. § 1391(e) (Venue)** – The Plaintiff resides in this district, and the actions at issue occurred within this jurisdiction.

Introduction

Plaintiff Richard Crosby, proceeding **pro se**, brings this action against the Social Security Administration (SSA) for its systemic and unlawful failure to comply with federal law and constitutional protections. Specifically, the SSA has:

- **Violated the Privacy Act (5 U.S.C. § 552a)** by unlawfully withholding Plaintiff's records for over a decade.
- **Violated the Freedom of Information Act (5 U.S.C. § 552)** by refusing to disclose internal decision-making records critical to Plaintiff's case.

- **Violated Plaintiff's Fifth Amendment Due Process rights** by denying him a meaningful opportunity to review and correct errors in his records.
- **Violated the Administrative Procedure Act (5 U.S.C. § 706)** by acting arbitrarily and capriciously in withholding information and failing to provide a rational explanation for its actions.
- **Violated the Fifth Amendment's Equal Protection Clause** by treating Plaintiff differently from similarly situated claimants.
- **Failed to properly calculate and disburse interest on past-due benefits totaling \$166,000**, further depriving Plaintiff of funds rightfully owed.

In June 2024, after a multi-year review, the SSA admitted to errors in Plaintiff's case and awarded him **\$166,000 in back payments**. However, the SSA inexplicably withheld **\$105,000** of this amount and failed to provide any explanation for its actions. Despite repeated requests, the SSA has refused to disclose:

- What specific errors were identified during the review.
- What changes were made to Plaintiff's case.
- Why **\$105,000** was withheld.
- How interest on the full **\$166,000** was calculated.

This lack of transparency and accountability is not only a violation of federal law but also a fundamental breach of Plaintiff's constitutional rights.

Factual Background

- Plaintiff applied for Social Security Disability Insurance (SSDI) on **March 1, 2013**.
- The SSA **unilaterally removed or modified** multiple years of Plaintiff's work history without explanation, significantly impacting his eligibility and benefit calculations.
- Since **2013**, Plaintiff has repeatedly requested access to his complete work history to understand these modifications, but the SSA has consistently denied these requests.
- In **June 2024**, after a multi-year review, the SSA acknowledged errors in Plaintiff's case and awarded him **\$166,000 in back payments**. However, the SSA only disbursed **\$61,000**, withholding **\$105,000** without justification.
- The SSA also failed to properly calculate and disburse interest on the full **\$166,000**, further depriving Plaintiff of funds rightfully owed.
- **August 26, 2024**, Plaintiff hand-delivered a letter to the SSA, formally notifying the agency that he would no longer engage in its administrative procedures and would pursue all further action through the courts. This letter was also submitted in a prior court case, putting the SSA and the courts on notice of Plaintiff's position.

Legal Claims

A. Privacy Act Violation (5 U.S.C. § 552a) – Unlawful Withholding of Records

The SSA has violated Plaintiff's rights under the Privacy Act by refusing to provide access to his records for over a decade. This unlawful withholding has prevented Plaintiff from understanding and challenging the SSA's actions.

B. FOIA Violation (5 U.S.C. § 552) – Failure to Disclose Internal Records

The SSA has violated FOIA by refusing to release internal records related to Plaintiff's case, including decision-making materials and calculations. This lack of transparency undermines the purpose of FOIA and deprives Plaintiff of the ability to hold the agency accountable.

C. Due Process Violation (Fifth Amendment) – Denial of a Meaningful Opportunity to Be Heard

The SSA's **12-year delay** in providing Plaintiff with access to his records and a meaningful opportunity to challenge its actions constitutes a clear violation of his Fifth Amendment due process rights.

D. Administrative Procedure Act Violation (5 U.S.C. § 706) – Arbitrary and Capricious Actions

The SSA's refusal to explain its calculations, disclose records, and justify the withholding of **\$105,000** is arbitrary, capricious, and contrary to law.

E. Equal Protection Violation (Fifth Amendment) – Differential Treatment

The SSA has provided similar records and payments to other claimants while unfairly excluding Plaintiff, violating his right to equal protection under the law.

Request for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Compel the SSA to release all records pertaining to Plaintiff under 5 U.S.C. § 552a(d)(1) (**Privacy Act**).
2. Order the SSA to disclose all internal records and decision-making materials under **FOIA (5 U.S.C. § 552)**.
3. Require the SSA to provide a detailed explanation for:
 - The withholding of **\$105,000**.
 - The specific changes made to Plaintiff's case.
 - The calculation of interest on the full **\$166,000**.
4. Declare that the SSA's actions violate Plaintiff's **due process rights under the Fifth Amendment**.

5. Order the SSA to **immediately disburse** any accrued interest.
 6. Grant **injunctive relief** to prevent the SSA from continuing its unlawful delays.
 7. Award Plaintiff reasonable **costs and expenses** associated with bringing this action.
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Respectfully submitted,

Richard Crosby

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Pro Se Plaintiff

Dated: March 20, 2025

A handwritten signature in blue ink, appearing to read 'Richard Crosby', is written over a large, light blue oval shape.